

B. [§100.58] Script: Findings and Orders*(1) Introduction*

The court has read and considered [*name the documents, e.g., the petition or the social worker's report of [date], and attached documents, or local name for social worker's report, e.g., social study*]. The court has also considered the testimony of the witnesses and their demeanor on the stand, as well as the arguments of counsel.

(2) Parties

The court finds that the legal status of [*name of party*] is [*describe*].

Note: The court may make a finding of whether each man who claims or is alleged to be the father is a biological, alleged, or presumed father (unless there is a legal father by virtue of the conclusive presumption of [Fam C §7540](#)) if the court has sufficient information to do so. See [§§100.32–100.33](#).

*(3) Detention**[No prima facie case]*

The court finds that no prima facie case has been made that [*name of child*] is a person described by [Welfare and Institutions Code section 300](#), nor do any of the circumstances outlined in [Welfare and Institutions Code section 319 subsections \(b\)\(1\) through \(4\)](#) apply. [*Name of child*] should not remain in protective custody in the shelter pending the jurisdiction hearing and is hereby released to the custody of [*his/her*] [*mother/father/guardian(s)*] on the following conditions: [*state conditions*].

[Prima facie case]

Good cause appearing, the court finds that a prima facie case has been made that [*name of child*] is a person described by [Welfare and Institutions Code section 300](#) because of [*list facts*]. In addition, [*this/these*] circumstance(s) outlined in [Welfare and Institutions Code section 319, subsections \(b\)\(1\) through \(4\)](#), [*applies/apply*]: [*List one or more and provide reasons for the conclusions.*]

- [*There is substantial danger to the physical health of the child/The child suffers from severe emotional damage*] and there are no reasonable means by which the child's [*physical/emotional*] health may be safeguarded without removal.

Note: All findings must be made on the record and in the written orders. [Cal Rules of Ct 1444\(b\)](#).

- There is substantial evidence that the *[parent(s)/guardian(s)/custodian(s)]* *[is/are]* likely to flee the jurisdiction.
- The child has left placement in which *[he/she]* was placed by order of the juvenile court.
- The child is unwilling to return home, and it is alleged that *[he/she]* has been physically or sexually abused by a person in the home.

[Under [Cal Rules of Ct 1446\(a\), \(d\)](#) when ordering detention, the court must make these additional findings]

- The initial detention was justified because *[state reasons, e.g. substantial danger to physical health]*.
- The child's continuing residence in the home of the parent or legal guardian is contrary to the child's welfare under [California Rules of Court 1446\(a\)\(2\)](#).
- The child is ordered detained and temporarily placed in the care of the Department of Social Services pending disposition or further court order. *[The court approves placement with [emergency shelter/foster care/name of relative who is willing and available to take the child].]*

The following services are ordered as soon as possible. *[List services; see [§100.38](#).]*

Note: (1) The court may also announce any temporary restraining orders granted. (2) It is possible to find that a prima facie case was made, but that there are no grounds for continuing detention.

Do you have any questions about the court's order or what is going to take place in the future?

(4) Preplacement preventive services

The court finds that preplacement preventive efforts were made to avoid removing the child from the home. *[State facts.]* This finding is based on the *[name of the document, such as Declaration of Efforts]*, dated _____.

[Or]

Reasonable efforts have not been made.

(5) Jurisdiction hearing

The jurisdiction hearing is scheduled for *[date]* at _____ *[a.m./p.m.]*, in Department _____.

Note: The court might want to ask whether time is waived, although under [Welf & I C §352\(c\)](#), waiver is implied if a party is represented by counsel and no objection is made to a continuance.

(6) *Settlement/readiness/status conference (if jurisdiction is not contested)*

You are ordered to be present at the [name of conference or hearing, e.g., settlement, readiness, status conference, or uncontested jurisdictional hearing] on [date], at _____ [a.m./p.m.], in Department _____. If you fail to appear, your default will be entered and the court may make findings and orders affecting your parental rights.

Note: The judge should make it clear that, whatever this conference is called, it is also a jurisdictional hearing, and the court will be able to make jurisdictional findings even if the parties fail to appear.

C. [§100.59] Draft: Detention Hearing Minute Order

Prepared by the Center for Families, Children, and the Courts

The court has read, considered, and admits into evidence:
social worker's detention report dated _____,

[List other reports]

_____,
_____,
_____.

and has made all required inquiries. Based on the information contained in the report(s) and the responses to inquiries, the court makes the following findings and orders:

1. Notice has been given as required by law.
2. Attorney, _____, is appointed to represent the child and as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

[Or]

3. The child will not benefit from representation by an attorney and the court further finds:

(a) The child understands the nature of the proceedings;

The child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case;